

**USDI, Bureau of Land Management
Andrews Resource Area, Burns District**

**DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT
for
STEENS MOUNTAIN PACKERS
SPECIAL RECREATION PERMIT
OR-020-RP-00-07**

**ENVIRONMENTAL ASSESSMENT
OR-020-03-038**

INTRODUCTION:

Steens Mountain Packers (SMP), operated by John and Cindy Witzel, has held Districtwide, commercial Special Recreation Permits (SRPs) for a variety of recreation activities in the Burns District since 1986. The permitted activities for SRP #OR-020-RP-00-07 are listed in the Environmental Assessment (EA) proposed action. Most of the use occurs in the Steens Mountain Cooperative Management and Protection Area (CMPA), including the Steens Mountain Wilderness. SMP also has an SRP issued by the Vale District of the Bureau of Land Management (BLM).

Issuance of SRPs for historic use in the Steens Mountain Wilderness is in conformance with Section 115 of the Steens Mountain Cooperative Management and Protection Act (Steens Act) of 2000.

While the Andrews Management Framework Plan (MFP) is silent concerning the proposed action and alternative, it is a stated objective of the MFP to "Provide a variety of recreation opportunities. . ." (p. 7). The Three Rivers Resource Management Plan (RMP) is also silent for the proposed action and alternative. However, one Recreation objective includes the specification to "provide for unstructured outdoor recreation activities with the necessary . . . services." Issuance of a permit would be in compliance with all State, local, and tribal government laws, regulations, and land use plans.

SUMMARY OF PROPOSED ACTION AND NO ACTION ALTERNATIVE:

The Proposed Action would allow the permittee to continue current operations and would allow for reasonable business growth over the next 2 years. SMP proposes to continue to conduct a variety of activities as described in the December 2001 amendment to their February 2000 Operating Plan. Use would be primarily in the Steens Mountain Wilderness and CMPA. Detailed descriptions of how specific activities would be done can be found in the amended

operations plan in the BLM case file. Motorized and mechanized transportation proposed to be used, in conformance with the Steens Act, include mountain bikes, All Terrain Vehicles, passenger vehicles, 4-wheel drive vehicles, snowmobiles, personnel carriers, and tracked vehicles. Rafts and inflatable kayaks would be used for Blitzen River trips. In general, hiking, mountain biking, tours, trail rides, fishing trips, and horse packing trips would be conducted on existing roads, ways, and trails. All activities would be based out of SMP's private land on Lake Creek. All activities would include education and interpretation of the land, its resources, its uses, and its management.

The No Action Alternative would allow the permittee to continue operations at the same level as at the time of enactment of the Steens Act. SMP would continue to operate under the 2000 Operating Plan, as amended by implementation of the Steens Act. Those activities that would be permitted are listed above. Helicopter and snow machine use or other motorized and mechanized travel in the Steens Mountain Wilderness would not be allowed under this permit.

DECISION:

As a result of the environmental analysis presented in the Environmental Assessment (EA), it is my decision to approved the Proposed Action. The rationale for the FONSI supports this decision. The Proposed Action, coupled with the mitigation measures detailed in the EA and FONSI, has led to my decision that all practicable means to avoid or minimize environmental harm and to protect wilderness values have been adopted. Selection of the No Action Alternative would not provide for resource protection. This decision is consistent with the Andrews MFP (1982) and the Three Rivers RMP (1991).

All resources have been evaluated for cumulative effects. It has been determined that cumulative effects would be negligible for all resources.

FINDING OF NO SIGNIFICANT IMPACT:

Based on the analysis of potential environmental impacts detailed in the attached EA, I have determined that approval of the Proposed Action, when coupled with the mitigation measures presented and detailed in the EA, will not have a significant impact on the human environment and preparation of an Environmental Impact Statement is not required. The Proposed Action and No Action Alternative are in conformance with the Steens Act and the Wilderness Act.

Rationale:

The activities described in the proposed action, will, as best can be determined, not cause unnecessary and undue degradation of public land. Resources analyzed in the EA include Areas of Critical Environmental Concern (ACECs); Cultural Resources; Migratory Birds; Noxious Weeds; Threatened, Endangered, and Special Status Species; Wetlands/Riparian Zones; Wild and Scenic Rivers (WSRs); Wilderness/Wilderness Study Areas (WSAs); Recreation; Socioeconomics; and Wildlife. Effects to these resources are considered nonsignificant (based on the definition in 40 CFR 1508.27) for the following reasons:

ACECs: Using existing trails and controlling saddle and pack stock would minimize effects to Burns District ACECs.

Cultural Resources: Cultural resources could be affected if the campsites are located on or near cultural sites. Disturbances could include collection of artifacts. As described in the mitigation below, archaeological inventories will be conducted at campsites in order to minimize these effects.

Migratory Birds: Effects to migratory birds would either be short term or minimized through permit stipulations.

Noxious Weeds: The potential for spread of noxious weeds is always present, but the routes and trails would be monitored and treated, if needed, and minimized through preventive measures.

Threatened, Endangered, and Special Status Species: Effects to Threatened, Endangered, and Special Status Species would either be short term or would be minimized through permit stipulations.

Wetlands/Riparian Zones: Any effects would be short term and would be minimized through the use of existing trails and campsites.

WSRs: Effects to the Donner und Blitzen WSR system would be short term and would be minimized through the use of existing trails and campsites.

Wilderness/WSAs: There would be short-term effects to naturalness, solitude, and primitive and unconfined recreation in the Steens Mountain Wilderness and/or the WSAs.

Some recreationists could be temporarily displaced to other locations within or outside of these areas.

Recreation: Some recreationists could be temporarily displaced to other parts of the Steens Mountain Wilderness, CMPA, or other areas of the Burns District.

Socioeconomics: The permittee would contribute directly and indirectly to the Harney County economy.

Wildlife: Wildlife displacement and habitat disruption would be short term and minimized through the use of existing trails and campsites.

Mitigation Measures:

Approval of this proposal is subject to the following mitigation measures which will be included as stipulations attached to the SRP.

ACECs: Vehicle use in ACECs will conform to the current Off-Highway Vehicle designation. Camping, grazing, and firewood collection in the Little Blitzen and Rooster Comb Research Natural Areas (RNAs) will not be allowed. All saddle and pack stock will be kept on existing trails.

Cultural Resources: Traditionally used campsites will be inventoried and assessments will be made. If it is determined cultural resources are being threatened or damaged, further mitigation will be undertaken.

Migratory Birds: Camping will be limited to established campsites that are appropriate for group use. Permittee will be aware of nesting activities and will avoid disturbing nesting birds from April 15 to July 15. Permittee will be notified of specific areas to avoid as part of the pre-trip notification process. Saddle and pack stock will be picketed, tethered, or allowed to graze freely as far as possible away from water sources.

Noxious Weeds: Feed brought in for the saddle and pack stock will be weed-free and/or pelletized. As sources become available, saddle and pack stock not pastured on the Steens will be fed weed-free feed for 3 or more days prior to entry to BLM land. To ensure that noxious weed seeds are not spread from other areas, all vehicles and equipment will be cleaned prior to entry on Burns District land. If permittee camps in or travels through noxious weed-infested areas, permittee will clean their equipment and vehicles on-site. Manure from trailers will not be swept out onto Burns District land. Weed identification booklets and information will be given to the permittee. The permittee is requested to notify the BLM of the location(s) of any noxious weeds found.

Threatened, Endangered, and Special Status Species: Camping will be limited to established campsites that are appropriate for group use. Saddle and pack stock will be picketed, tethered, or allowed to graze freely as far as possible away from water sources. All human waste will be packed out on vehicle-supported trips or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot.

Permittee will be aware of bighorn sheep lambing activities and will avoid disturbing the bighorn sheep from April 15 to May 30. Sage-grouse leks available for viewing will be limited to those accessible by good condition, graded roads. All sage-grouse viewing will follow Leave No Trace wildlife viewing guidelines. These guidelines include observing wildlife from a distance and not following or approaching them. Permittee will be notified of specific areas as part of the pre-trip notification process.

Wetlands/Riparian Zones: Saddle and pack stock will be picketed, tethered, or allowed to graze freely as far as possible away from water sources. All human waste will be packed out on vehicle-supported trips or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot. Down trees will not be removed from streambanks.

Wilderness/WSAs: Float/raft trips will start only from Blitzen Crossing, not Riddle Ranch or the confluence of Little Blitzen and the mainstem Blitzen. Camping will be limited to established campsites that are appropriate for group use. Prior to the establishment of any new campsite in wilderness or WSA, the permittee will consult and coordinate with the BLM to minimize any effects to naturalness, solitude, primitive and unconfined recreation, and supplemental wilderness values. All permittee activities will incorporate "Leave No Trace" practices. Travel will be single file on defined trails or spread out where no trails exist. All human waste will be packed out or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot. Cat holes will be used for solid human waste when traveling on foot. All toilet paper will be packed out.

Recreation: All human waste will be packed out on vehicle-supported trips or buried at least 200 feet as far as possible away from camps, trails, and water sources when traveling on foot. Water from all washing (dishes and personal) activities will be scattered at least 200 feet or as far as possible away from all water sources. All saddle and pack stock will be picketed, tethered, or allowed to graze freely as far as possible away from water sources. Saddle and pack stock will not be tied to trees or riparian vegetation overnight. They may be tied to trees for loading, unloading, or brief stops. Permittee will be encouraged to carry feed for their saddle and pack stock. As sources become available, hay will be weed-free and purchased locally or pellets will be required. Hay, pellets or salt will be fed from containers and as far as possible away from water sources. Prior to the establishment of any new campsite, the permittee will consult and coordinate with the BLM to minimize any effects.

Wildlife: Camp tents and yurts will be taken down after each use and not left for the next trip. Camps near isolated water sources (ponds, springs) will be at least one-quarter mile from the source to allow for wildlife access to these areas. Saddle and pack stock will be picketed, tethered, or allowed to graze freely as far as possible away from water sources. Permittee will be aware of mule deer fawning and elk calving activities and will avoid disturbing them during following time periods: mule deer - May 15 to July 15, elk - May 1 to June 30. Winter use will be conducted in areas where big game is not present to avoid harassment. Permittee will be notified of specific areas to avoid as part of the pre-trip notification process.

Wild Horses: All vehicles will remain on designated roads. Permittee will not attempt to drive closer to the horses. Permittee will follow Leave No Trace guidelines for wildlife viewing. These guidelines include observing wildlife from a distance and not following or approaching them.

Monitoring:

In addition to standard BLM monitoring of the SRP activity for compliance with permit stipulations, the following monitoring will be conducted.

ACECs: RNAs will be visually monitored periodically for natural or human-caused disturbances. Key plant species will be monitored at specific sites to determine changes in population health.

Cultural Resources: Traditionally used campsites will be inventoried and any effects to cultural resources will be measured.

Migratory Birds: Bird monitoring transects will be established according to protocol along riparian areas used by the permittee.

Noxious Weeds: BLM will monitor camping and parking areas for the presence of new or spreading noxious weeds.

Threatened, Endangered, and Special Status Species: Ongoing monitoring of known Columbia spotted frog populations will continue. Oregon Department of Fish and Wildlife (ODFW) data on male sage-grouse attending leks will be used. Traffic counters will be placed on roads near leks that receive many visits to determine the effects of visitor use on number of male sage-grouse attending those leks.

Wilderness/WSRs: Wilderness and WSR monitoring will be based on the nondegradation mandate and the protection of Outstandingly Remarkable Values. A wilderness/WSR monitoring plan is currently under development to look at and evaluate both commercial and public use of these resources.

Wildlife: ODFW big game count data will be used as an indicator of effects to wildlife.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success of the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Signature on file
Karla Bird
Andrews Resource Area Field Manager

September 24, 2003
Date

Signature on file
Joan M. Suther
Three Rivers Resource Area Field Manager

September 24, 2003
Date